

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
)
 v.) NO. 3:10-00009
)
JEREMY SETH TUMMINS)

O R D E R

The Government has filed its motion to reconsider and amend discovery order and motion for stay pending appeal (Docket Entry No. 57). By this motion, the Government requests that the undersigned Magistrate Judge reconsider and amend the Court's prior order (Docket Entry No. 56) requiring the Government to provide redacted forensic copies of two computer hard drives to defendant. The undersigned Magistrate Judge finds that the Government's motion should be **GRANTED**, as provided in this order.

The provisions of the Court's prior order (Docket Entry No. 56), beginning on page 15, are **MODIFIED** as follows: The Government shall, as soon as necessary arrangements can reasonably be made, provide the two computer hard drives obtained from defendant pursuant to search warrant, or identical forensic copies thereof, to the defendant's forensic computer expert for copying and redaction of all files alleged by the Government to contain child pornography. This copying and redaction by the defense forensic computer expert shall be conducted at the Dickson County Computer Lab, or at such other governmental facility as may be agreed upon by the parties, under the direct observation of the Government's computer expert. After the copying of the hard drives

and the redaction of all files alleged to contain child pornography have been completed, the Government shall have fourteen (14) days thereafter within which to examine these copies to confirm that all images of child pornography have been removed. Upon completion of this examination, these redacted hard drives shall be provided to the defendant and/or the defendant's forensic computer expert. These redacted copies of the hard drives shall be maintained in a secure location in the custody of defendant's forensic computer expert, and any access to any data contained on these copied hard drives shall be limited to the defense forensic computer expert and the defense attorney. These hard drives shall be used only for purposes of the present case, and no copy of any image of any child pornography as defined by federal law shall be made. Upon completion of the examination of these hard drives by the defense forensic computer expert or the final disposition of this case, whichever occurs earlier, these hard drives shall be returned to the Government. The defense forensic computer expert shall certify that, upon completion of his examination of the hard drives or the final disposition of this case, that all files and any remnants or fragments of the hard drives have been permanently removed or deleted from any defense computer equipment.

It is so **ORDERED**.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge